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BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES AND ENERGY
IN AND FOR THE STATE OF UTAH

* * * *

DIVISION OF OIL, GAS AND MINING,)	DOCKET NO. 84-040
)	CAUSE NO. ACT/015/025
Petitioner,)	REPORTER'S TRANSCRIPT
vs.)	
CO-OP MINING COMPANY,)	
Respondent.)	

* * * *

On Thursday, June 28, 1984, commencing at the hour of 2:13 p.m., a hearing was held in the Auditorium of the Department of Natural Resources, 1636 West North Temple, Salt Lake City, Utah; and said hearing was reported in shorthand by Ronald F. Hubbard, a certified shorthand reporter and notary public, in and for the State of Utah (License No. 32).

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A P P E A R A N C E S

* * * *

Board Members

Gregory P. Williams, Chairman

James W. Carter

John M. Garr

Charles R. Henderson

Richard B. Larsen

Constance R. Lundberg

E. Steele McIntyre

Staff Members

Dr. Dianne R. Nielson, Director

Ronald W. Daniels, Associate Director for Mining

Ronald J. Firth, Associate Director for Oil and Gas

John Baza, Petroleum Engineer

Marjorie L. Larson, Administrative Assistant

Barbara Roberts, Assistant Attorney General of the State of Utah

Ray Kearns, Geologist, Chief, Petroleum Section, UGMS

Carl E. Kingston

Attorney at Law

53 West Angelo

Salt Lake City, UT 84115

For Co-op

Kenneth L. Rothey

Attorney at Law

942 East 7145 South

Salt Lake City, UT

For Co-op



1 SALT LAKE CITY, UTAH, THURSDAY, JUNE 28, 1984, 2:13 P.M.

2 * * * *

3 CHAIRMAN WILLIAMS: This is the time and place set
4 for the hearing in Docket No. 84-040, Cause No. ACT/015/025,
5 Division of Oil, Gas and Mining, Petitioner, vs. Co-op Mining
6 Company, Respondent.

7 Notice has been given of this matter. Personal ser-
8 vice on Co-op was accepted by Mr. Kingston as attorney for
9 Co-op. In addition, notice was given by publication in the
10 Tribune, Deseret News, The Emery City Progress, and the Price
11 paper. I'm not sure. Sun Advocate.

12 Barbara Roberts appearing on behalf of the Division,
13 and Mr. Ken Rothey on behalf of Co-op Mining Company.

14 Ms. Roberts, would you proceed?

15 MS. ROBERTS: Mr. Rothey is going to give you our
16 agreement.

17 MR. ROTHEY: Ms. Roberts has asked me to read the
18 agreements we have reached with respect to the petition and
19 response presently before this Board.

20 The agreement is that we will continue this matter
21 until July 26, 1984, reserving to both petitioner and the
22 respondent all defenses and all evidence that they might other-
23 wise have presented today; that any submittals between this
24 moment and July 26, 1984, by the respondent Co-op Mining will
25 not be considered at the hearing on the 26th as it relates



1 to the issue of completeness, distinguishing that from a tech-
2 nical deficiency.

3 CHAIRMAN WILLIAMS: These are submittals to the
4 Division?

5 MR. ROTHEY: Submittals to the Division.

6 CHAIRMAN WILLIAMS: In support of the application?

7 MR. ROTHEY: In support of the application.

8 CHAIRMAN WILLIAMS: From the state?

9 MS. ROBERTS: Yes.

10 MR. ROTHEY: From this very moment on until July 26,
11 it being represented and proffered by the respondent that the
12 respondent's application is complete and complies with the rules
13 and regulations and statutory authority as of this time; and
14 that no further submittal need be made to complete that, with
15 the exception of such technical deficiencies as may hereafter
16 be determined by the Division requiring that submission; that
17 the Division will complete its review of the latest addition
18 to that application by July 13 and will have its response, if
19 there is a deficiency or otherwise, if they determine there is
20 a further deficiency, to Carl Kingston and myself by that date,
21 affording us a sufficient time to respond by the 26th; that
22 there are three witnesses subpoenaed by the respondent, Mr. Lee
23 Wimmer of Horrocks Engineering; Mr. Larry Dalton of the State
24 Division of Wildlife; and Mr. Bruce Callister, who is not pre-
25 sent here right now, because we have excused him; and that the



1 Board will enter an order continuing those subpoenas and direct-
2 ing them to appear at that hearing, so we will not have to re-
3 subpoena them.

4 MS. ROBERTS: Mr. Chairman, and then next month we
5 expect to return; and if in fact the Division finds that the
6 application is still incomplete, that we will both present
7 evidence, the Division showing that the application is incom-
8 plete, and Co-op Mining showing that it is complete; and that
9 it will be the Board's decision then to determine whether the
10 application is incomplete or complete and to determine what the
11 relief would be at that point.

12 MR. ROTHEY: I think that it should be apparent, Mr.
13 Chairman, that our stipulation and representation that we will
14 make no further submittals as it relates to completeness
15 carries with it the burden on the part of the Division that they
16 will not amend the petition or the relief sought in the petition
17 in the meantime. If they in fact amend the petition then our
18 stipulation and representation would be modified accordingly.

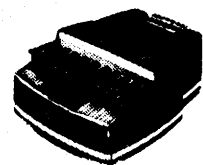
19 MS. ROBERTS: We will agree to that.

20 CHAIRMAN WILLIAMS: Dr. Nielson.

21 DR. NIELSON: Mr. Chairman, could I ask for, I guess,
22 a repeat of the first portion of that stipulation regarding the
23 technical adequacy versus completeness of--

24 MS. ROBERTS: In other words, what--

25 DR. NIELSON: Could the reporter please read back



1 the initial part of that application?

2 (Record read.)

3 MR. ROTHEY: Mr. Chairman, I can tell the Board that
4 I understand that the Division has a difficult time distinguish-
5 ing that. So I don't want to get involved in any box. But
6 the purpose here today is to determine that the application for
7 permanent permit is not complete, as opposed to technically
8 deficient. The Division will in fact determine ultimately in
9 this case, if an application is complete and independent of that
10 there is some overlap, will later determine that there are some
11 technical deficiencies that need to be addressed.

12 Being specific by example, we are talking about the
13 hydrological balance of the ecosystems in the area and the
14 impact of the mining operation on those. Have we addressed
15 those in the sense that the statute and the regulations intend
16 us to address them is a completeness issue.

17 Do we need to deal with other issues? Do we need to
18 further supplement with formulas or research or core drilling,
19 for instance, as a technical issue? Do we need to supply more
20 specific information, or have we met the information generally?

21 And that's how I understand it.

22 DR. NIELSON: I think we're clear in terms of the
23 way it's been stated, that there is an appreciation, and that
24 what the Division will be considering at this point in prepara-
25 tion for the hearing in July is the completeness issue; and

1 they will base that determination on all information that has
2 been received up to this point, including the submittal earlier
3 this year by Co-op, but will consider nothing else in a com-
4 pleteness determination beyond that information up to and in-
5 cluding the hearing next month.

6 MR. ROTHEY: In the reservation which was stated at
7 the very inception of my stipulation, it should be understood
8 that we reserve the right to argue to the Board that the
9 Division on July 26 is in fact claiming a technical deficiency
10 by calling it a deficiency--or, an incomplete aspect of it;
11 that is, we want to be able to say that they are arguing tech-
12 nical issues as opposed to completeness issues.

13 CHAIRMAN WILLIAMS: I understand. Anything further?
14 Does the Board have any questions?

15 The Board is going to recess for five minutes. Please
16 stick around.

17 (Recess from 2:25 p.m. until 2:30 p.m.)

18 CHAIRMAN WILLIAMS: Can we go back on the record,
19 please. The Board has considered the stipulation. The Board
20 has determined to accept the stipulation, subject, however, to
21 the understanding that the Board reserves the right to look
22 into any and all issues raised by the pleadings filed and the
23 evidence submitted, whether or not a determination is made that
24 the application is complete.

25 Thank you.



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MR. ROTHEY: Thank you. May we be excused?

CHAIRMAN WILLIAMS: Yes.

Barbara, let's have that stipulation reduced to writing and submit it to me for an order prior to the next hearing.

MS. ROBERTS: We will. I will write it.

(At 2:30 p.m. the hearing ended.)

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C E R T I F I C A T E

State of Utah)
) SS
County of Salt Lake)

I, Ronald F. Hubbard, do hereby certify that I am a
certified shorthand reporter in and for the State of Utah;
that I reported in shorthand the foregoing proceedings; that
that this transcript is a full, true, and correct record of
said proceedings.

Dated at Salt Lake City, Utah, this 10th day
of July, 1984.

Ronald F. Hubbard
Ronald F. Hubbard
Certified Shorthand Reporter
License No. 32

